



General Assembly

**Substitute Bill No. 963**

January Session, 2005

\* SB00963FIN\_033005 \*

**AN ACT CONCERNING CIVIL UNIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) For the purposes of  
2 sections 1 to 15, inclusive, of this act:

3 (1) "Civil union" means a union established pursuant to sections 1 to  
4 15, inclusive, of this act between two eligible persons; and

5 (2) "Party to a civil union" means a person who has established a  
6 civil union pursuant to sections 1 to 15, inclusive, of this act.

7 Sec. 2. (NEW) (*Effective October 1, 2005*) A person is eligible to enter  
8 into a civil union if such person is:

9 (1) Not a party to another civil union or a marriage;

10 (2) Of the same sex as the other party to the civil union;

11 (3) Except as provided in section 10 of this act, at least eighteen  
12 years of age; and

13 (4) Not prohibited from entering into a civil union pursuant to  
14 section 3 of this act.

15 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) A woman shall not enter

16 into a civil union with her mother, grandmother, daughter,  
17 granddaughter, sister, brother's daughter, sister's daughter, father's  
18 sister or mother's sister.

19 (b) A man shall not enter into a civil union with his father,  
20 grandfather, son, grandson, brother, brother's son, sister's son, father's  
21 brother or mother's brother.

22 (c) A civil union between persons prohibited from entering into a  
23 civil union pursuant to subsection (a) or (b) of this section is void.

24 Sec. 4. (NEW) (*Effective October 1, 2005*) (a) All judges and retired  
25 judges, either elected or appointed, including federal judges and  
26 judges of other states who may legally join persons in marriage or a  
27 civil union, family support magistrates, state referees and justices of  
28 the peace may join persons in a civil union in any town in the state,  
29 and all ordained or licensed members of the clergy, belonging to this  
30 state or any other state, as long as they continue in the work of the  
31 ministry may join persons in a civil union. All civil unions solemnized  
32 according to the forms and usages of any religious denomination in  
33 this state are valid. All civil unions attempted to be celebrated by any  
34 other person are void.

35 (b) No public official legally authorized to issue civil union licenses  
36 may join persons in a civil union under authority of a license issued by  
37 such official, or such official's assistant or deputy; nor may any such  
38 assistant or deputy join persons in a civil union under authority of a  
39 license issued by such public official.

40 (c) Any person violating any provision of this section shall be fined  
41 not more than fifty dollars.

42 Sec. 5. (NEW) (*Effective October 1, 2005*) Any person who undertakes  
43 to join persons in a civil union, knowing that such person is not  
44 authorized to do so, shall be fined not more than five hundred dollars  
45 or imprisoned not more than one year or both.

46       Sec. 6. (NEW) (*Effective October 1, 2005*) Any person authorized to  
47 join persons in a civil union pursuant to section 4 of this act, who fails  
48 or refuses for any reason to join persons in a civil union shall not be  
49 subject to any fine or other penalty for such failure or refusal.

50       Sec. 7. (NEW) (*Effective October 1, 2005*) (a) No persons may be  
51 joined in a civil union in this state until both have complied with the  
52 provisions of sections 8 to 10, inclusive, of this act and have been  
53 issued a license by the registrar of vital statistics for the town in which  
54 (1) the civil union is to be celebrated, or (2) either person to be joined in  
55 the civil union resides, which license shall bear the certification of the  
56 registrar that the persons named therein have complied with the  
57 provisions of sections 8 to 10, inclusive, of this act.

58       (b) Such license, when certified by the registrar, is sufficient  
59 authority for any person authorized to perform a civil union ceremony  
60 in this state to join such persons in a civil union, provided the  
61 ceremony is performed not more than sixty-five days after the date of  
62 application.

63       (c) Any person who joins any persons in a civil union without  
64 having received such license from them shall be fined not more than  
65 one hundred dollars.

66       Sec. 8. (NEW) (*Effective October 1, 2005*) No license for a civil union  
67 may be issued by the registrar of vital statistics until both persons have  
68 appeared before the registrar and made application for a license. The  
69 license shall be completed in its entirety, dated, signed and sworn to  
70 by each applicant and shall state each applicant's name, age, race,  
71 birthplace, residence, whether single, widowed or divorced and  
72 whether under the supervision or control of a conservator or guardian.  
73 The Social Security numbers of the two persons shall be recorded in  
74 the "administrative purposes" section of the license. If the license is  
75 signed and sworn to by the applicants on different dates, the earlier  
76 date shall be deemed the date of application. The registrar shall issue a  
77 copy of sections 1 to 15, inclusive, of this act to any person making

78 application for a license.

79 Sec. 9. (NEW) (*Effective October 1, 2005*) (a) No civil union license  
80 may be issued to any applicant under the supervision or control of a  
81 conservator, appointed in accordance with sections 45a-644 to 45a-662,  
82 inclusive, of the general statutes unless the written consent of the  
83 conservator, signed and acknowledged before a person authorized to  
84 take acknowledgments of conveyances under the provisions of section  
85 47-5a of the general statutes or authorized to take acknowledgments in  
86 any other state or country, is filed with the registrar of vital statistics.

87 (b) Any person who enters into a civil union without the consent  
88 provided for in subsection (a) of this section shall acquire no rights by  
89 such civil union in the property of any person who was under such  
90 control or supervision at the time the civil union was entered into.

91 Sec. 10. (NEW) (*Effective October 1, 2005*) (a) No civil union license  
92 may be issued to any applicant under sixteen years of age, unless the  
93 judge of probate for the district in which the minor resides endorses  
94 such judge's written consent on the license.

95 (b) No civil union license may be issued to any applicant under  
96 eighteen years of age, unless the written consent of a parent or  
97 guardian of the person of such minor, signed and acknowledged  
98 before a person authorized to take acknowledgments of conveyances  
99 under the provisions of section 47-5a of the general statutes, or  
100 authorized to take acknowledgments in any other state or country, is  
101 filed with the registrar of vital statistics. If no parent or guardian of the  
102 person of such minor is a resident of the United States, the written  
103 consent of the judge of probate for the district in which the minor  
104 resides, endorsed on the license, shall be sufficient.

105 Sec. 11. (NEW) (*Effective October 1, 2005*) (a) Each person who joins  
106 any person in a civil union shall certify upon the license certificate the  
107 fact, time and place of the civil union, and return it to the registrar of  
108 vital statistics of the town where it was issued, before or during the  
109 first week of the month following the celebration of the civil union.

110 Any person who fails to do so shall be fined not more than ten dollars.

111 (b) If any person fails to return the certificate to the registrar of vital  
112 statistics, as required under subsection (a) of this section, the persons  
113 joined in a civil union may provide the registrar with a notarized  
114 affidavit attesting to the fact that they were joined in a civil union and  
115 stating the date and place of the civil union. Upon the recording of  
116 such affidavit by the registrar of vital statistics, the civil union of the  
117 affiants shall be deemed to be valid as of the date of the civil union  
118 stated in the affidavit.

119 Sec. 12. (NEW) (*Effective October 1, 2005*) The certificate required by  
120 section 11 of this act or an affidavit recorded pursuant to subsection (b)  
121 of said section shall be prima facie evidence of the facts stated in them.

122 Sec. 13. (NEW) (*Effective October 1, 2005*) All civil unions in which  
123 one or both parties are citizens of this state, celebrated in a foreign  
124 country, shall be valid, provided: (1) Each party would have legal  
125 capacity to contract such civil union in this state and the civil union is  
126 celebrated in conformity with the law of that country; or (2) the civil  
127 union is celebrated in the presence of the ambassador or minister to  
128 that country from the United States or in the presence of a consular  
129 officer of the United States accredited to such country, at a place within  
130 his or her consular jurisdiction, by any ordained or licensed member of  
131 the clergy engaged in the work of the ministry in any state of the  
132 United States or in any foreign country.

133 Sec. 14. (NEW) (*Effective October 1, 2005*) Parties to a civil union shall  
134 have all the same benefits, protections and responsibilities under law,  
135 whether derived from the general statutes, administrative regulations  
136 or court rules, policy, common law or any other source of civil law, as  
137 are granted to spouses in a marriage.

138 Sec. 15. (NEW) (*Effective October 1, 2005*) Wherever in the general  
139 statutes the terms "spouse", "family", "immediate family", "dependent",  
140 "next of kin" or any other term that denotes the spousal relationship  
141 are used or defined, a party to a civil union shall be included in such

142 use or definition, and wherever in the general statutes, except sections  
143 7-45 and 17b-137a of the general statutes, as amended by this act,  
144 subdivision (4) of section 45a-727a, sections 46b-20 to 46b-34, inclusive,  
145 and section 46b-150d of the general statutes, as amended by this act,  
146 the term "marriage" is used or defined, a civil union shall be included  
147 in such use or definition.

148 Sec. 16. Section 7-45 of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective October 1, 2005*):

150 Each person making any certificate of birth, marriage, civil union,  
151 death or fetal death, or any copy of such certificate for the  
152 commissioner, or any sexton's report required by law, shall cause the  
153 same to be typewritten or printed in a legible manner as to all material  
154 information or facts required by the provisions of sections 7-48, 7-60 [,]  
155 and 7-62b, and sections 46b-25 and 46b-29 to 46b-30, inclusive, or  
156 sections 8, 9 and 10 of this act, and contained in such certificate. If the  
157 certificate is in paper format, such person shall sign the certificate in  
158 black ink, shall state therein in what capacity such person so signs, and  
159 shall type or print in a legible manner the name of each person signing  
160 such certificate, under such person's signature. If the certificate is in an  
161 electronic format, such certificate shall be authenticated by the  
162 electronic vital records system of the department. Any certificate not  
163 complying with the requirements of this section shall be returned by  
164 the registrar with whom it is filed to the person making the same for  
165 the proper correction.

166 Sec. 17. Subsections (a) and (b) of section 17b-137a of the general  
167 statutes are repealed and the following is substituted in lieu thereof  
168 (*Effective October 1, 2005*):

169 (a) The Social Security number of the applicant shall be recorded on  
170 each (1) application for a license, certification or permit to engage in a  
171 profession or occupation regulated pursuant to the provisions of title  
172 19a, 20 or 21; (2) application for a commercial driver's license or  
173 commercial driver's instruction permit completed pursuant to

174 subsection (a) of section 14-44c; and (3) application for a marriage  
175 license made under section 46b-25 or for a civil union license under  
176 section 8 of this act.

177 (b) The Social Security number of any individual who is subject to a  
178 dissolution of marriage decree, dissolution of civil union decree,  
179 support order or paternity determination or acknowledgment shall be  
180 placed in the records relating to the matter.

181 Sec. 18. Subdivision (7) of section 45a-106 of the general statutes is  
182 repealed and the following is substituted in lieu thereof (*Effective*  
183 *October 1, 2005*):

184 (7) For proceedings brought under section 46b-30 or section 10 of  
185 this act, the cost shall be twenty-five dollars.

186 Sec. 19. Subsection (c) of section 45a-676 of the general statutes is  
187 repealed and the following is substituted in lieu thereof (*Effective*  
188 *October 1, 2005*):

189 (c) For purposes of sections 45a-669 to [45a-784] 45a-684, inclusive,  
190 and section 46b-29 and section 9 of this act, any alleged inability of the  
191 respondent must be evidenced by recent behavior which would cause  
192 harm or create a risk of harm, by clear and convincing proof.

193 Sec. 20. Section 46b-150d of the general statutes is repealed and the  
194 following is substituted in lieu thereof (*Effective October 1, 2005*):

195 An order that a minor is emancipated shall have the following  
196 effects: (a) The minor may consent to medical, dental or psychiatric  
197 care, without parental consent, knowledge or liability; (b) the minor  
198 may enter into a binding contract; (c) the minor may sue and be sued  
199 in his own name; (d) the minor shall be entitled to his own earnings  
200 and shall be free of control by his parents or guardian; (e) the minor  
201 may establish his own residence; (f) the minor may buy and sell real  
202 and personal property; (g) the minor may not thereafter be the subject  
203 of a petition under section 46b-129 as an abused, dependent, neglected

204 or uncared for child or youth; (h) the minor may enroll in any school or  
205 college, without parental consent; (i) the minor shall be deemed to be  
206 over eighteen years of age for purposes of securing an operator's  
207 license under section 14-36 and a marriage license under subsection (b)  
208 of section 46b-30 or a civil union license under subsection (b) of section  
209 10 of this act without parental consent; (j) the minor shall be deemed to  
210 be over eighteen years of age for purposes of registering a motor  
211 vehicle under section 14-12; (k) the parents of the minor shall no longer  
212 be the guardians of the minor under section 45a-606; (l) the parents of a  
213 minor shall be relieved of any obligations respecting his school  
214 attendance under section 10-184; (m) the parents shall be relieved of all  
215 obligation to support the minor; (n) the minor shall be emancipated for  
216 the purposes of parental liability for his acts under section 52-572; (o)  
217 the minor may execute releases in his own name under section 14-118;  
218 and (p) the minor may enlist in the armed forces of the United States  
219 without parental consent.

220 Sec. 21. Subsection (b) of section 51-164n of the general statutes is  
221 repealed and the following is substituted in lieu thereof (*Effective*  
222 *October 1, 2005*):

223 (b) Notwithstanding any provision of the general statutes, any  
224 person who is alleged to have committed (1) a violation under the  
225 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
226 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
227 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,  
228 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
229 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
230 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
231 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
232 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
233 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
234 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
235 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
236 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
237 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-

238 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
 239 14-153 or 14-163b, a first violation as specified in subsection (f) of  
 240 section 14-164i, section 14-219 as specified in subsection (e) of said  
 241 section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of  
 242 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,  
 243 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-  
 244 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,  
 245 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection  
 246 (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22,  
 247 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,  
 248 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,  
 249 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-  
 250 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,  
 251 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301,  
 252 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502,  
 253 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of  
 254 section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-  
 255 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30,  
 256 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-  
 257 77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159,  
 258 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36,  
 259 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54,  
 260 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-  
 261 318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section  
 262 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or  
 263 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-  
 264 256h, subsection (a) of section 22a-381d, section 22a-449, 22a-461, 23-37,  
 265 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-  
 266 37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,  
 267 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,  
 268 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-  
 269 109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-  
 270 341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,  
 271 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
 272 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)

273 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b  
 274 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-  
 275 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-  
 276 54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or  
 277 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-  
 278 249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323,  
 279 53-331, 53-344 or 53-450, or section 4, 7 or 11 of this act, or (2) a  
 280 violation under the provisions of chapter 268, or (3) a violation of any  
 281 regulation adopted in accordance with the provisions of section 12-484,  
 282 12-487 or 13b-410, shall follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section
Sec. 2	October 1, 2005	New section
Sec. 3	October 1, 2005	New section
Sec. 4	October 1, 2005	New section
Sec. 5	October 1, 2005	New section
Sec. 6	October 1, 2005	New section
Sec. 7	October 1, 2005	New section
Sec. 8	October 1, 2005	New section
Sec. 9	October 1, 2005	New section
Sec. 10	October 1, 2005	New section
Sec. 11	October 1, 2005	New section
Sec. 12	October 1, 2005	New section
Sec. 13	October 1, 2005	New section
Sec. 14	October 1, 2005	New section
Sec. 15	October 1, 2005	New section
Sec. 16	October 1, 2005	7-45
Sec. 17	October 1, 2005	17b-137a (a) and (b)
Sec. 18	October 1, 2005	45a-106 (7)
Sec. 19	October 1, 2005	45a-676 (c)
Sec. 20	October 1, 2005	46b-150d
Sec. 21	October 1, 2005	51-164n (b)

**JUD**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*

**FIN**      *Joint Favorable*